

AMENDED IN SENATE SEPTEMBER 12, 2003

AMENDED IN SENATE JULY 9, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1302

Introduced by Assembly Member Simitian
(Principal coauthor: Senator Sher)

February 21, 2003

~~An act to add Section 1808.11 to the Vehicle Code, relating to vehicles. An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1302, as amended, Simitian. ~~Vehicles: traffic violations: confidentiality~~ Claims against the state: appropriation.

Existing law requires the California Victim Compensation and Government Claims Board to report to the Legislature when there is no sufficient appropriation available for the payment of a claim against the state allowed by the board.

This bill would appropriate \$428,000 from the General Fund to the Executive Officer of the California Victim Compensation and Government Claims Board to pay a specified claim.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law authorizes a court to order a person to attend traffic violator school or any other court-supervised program of traffic safety~~

~~instruction in lieu of adjudicating certain violations of the Vehicle Code. The record of the Department of Motor Vehicles relating to the dismissal of a violation under these circumstances is confidential.~~

~~Existing law assigns violation points for convictions of specified traffic offenses and for specified accidents.~~

~~This bill would require the department to keep confidential all information regarding a conviction of an offense in another state of the United States or the District of Columbia that, if committed in this state, would be a violation of the Vehicle Code, if the person provides proof of successful completion of a course of instruction at a licensed traffic violator school that is satisfactory to the department, or a court-supervised program of traffic safety instruction, and (1) has not, within 18 months, attended a traffic violator school in any state or a court-supervised program of traffic safety instruction in lieu of adjudication of a violation of the code or of an out-of-state provision that, if committed in this state, would be a violation of the code, other than for the conviction for which the applicant is seeking confidentiality; (2) does not apply for confidentiality for an offense that, if committed in this state, would be given more than a value of one point or that is an offense for which a court in this state could not permit the person to take traffic safety instruction in lieu of adjudication; (3) applies to the department for confidentiality under these provisions, with proof of successful completion of the course of traffic safety instruction, within 90 days of committing the offense; and (4) pays a specified fee.~~

~~The bill would require the department to charge a person requesting confidentiality under these provisions a fee in an amount determined by the department to be sufficient to cover its costs in administering these provisions.~~

~~Vote: majority $\frac{2}{3}$. Appropriation: no yes. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 1808.11 is added to the Vehicle Code,~~
- 2 ~~SECTION 1. The sum of four hundred twenty-eight thousand~~
- 3 ~~dollars (\$428,000) is hereby appropriated from the General Fund~~
- 4 ~~to the Executive Officer of the California Victim Compensation~~
- 5 ~~and Government Claims Board for the payment of Claim No.~~
- 6 ~~G537834 (In the Matter of Quedellis Ricardo Walker) upon~~

1 approval of this claim by the board. If the board determines that
2 the amount to pay this claim is less than the amount appropriated,
3 any remaining moneys from this appropriation shall revert back to
4 the General Fund on June 30 of the fiscal year in which the final
5 payment of the claim is made.

6 SEC. 2. This act is an urgency statute necessary for the
7 immediate preservation of the public peace, health, or safety
8 within the meaning of Article IV of the Constitution and shall go
9 into immediate effect. The facts constituting the necessity are:

10 In order to pay claims against the state and end hardship to
11 claimants as quickly as possible, it is necessary for this act to take
12 effect immediately.

13 to read:

14 ~~1808.11. (a) The department shall keep confidential all~~
15 ~~information regarding a conviction of an offense in another state~~
16 ~~of the United States or the District of Columbia that, if committed~~
17 ~~in this state, would be a violation of this code, if the person~~
18 ~~provides proof of successful completion of a course of instruction~~
19 ~~at a traffic violator school licensed under Chapter 1.5~~
20 ~~(commencing with Section 11200) of Division 5 that is~~
21 ~~satisfactory to the department, or a court-supervised program of~~
22 ~~traffic safety instruction, and meets all of the following conditions:~~

23 (1) ~~Within 18 months, has not attended a traffic violator school~~
24 ~~in any state or a court-supervised program of traffic safety~~
25 ~~instruction in lieu of adjudication of a violation of this code, other~~
26 ~~than for the conviction for which the applicant is seeking~~
27 ~~confidentiality.~~

28 (2) ~~Within 18 months, has not attended a traffic violator school~~
29 ~~in any state or a court-supervised program of traffic safety~~
30 ~~instruction in lieu of adjudication of an offense committed in~~
31 ~~another state of the United State or the District of Columbia that,~~
32 ~~if committed in this state, would be a violation of this code, other~~
33 ~~than for the conviction for which the applicant is seeking~~
34 ~~confidentiality.~~

35 (3) ~~Applies to the department for confidentiality under this~~
36 ~~section and pays the fee imposed under subdivision (d).~~

37 (b) ~~A person may apply for confidentiality under subdivision~~
38 ~~(a) only for an offense that, if committed in this state, would be~~
39 ~~given no more than a value of one point, as described in~~
40 ~~subdivision (e) or (f) of Section 12810, and that, if committed in~~

~~1 this state in a county that permits successful completion of~~
~~2 instruction at a licensed traffic violator school or a~~
~~3 court-supervised program of traffic safety instruction in lieu of~~
~~4 adjudication, would be an offense for which the court may permit~~
~~5 the person to take the instruction in lieu of adjudication.~~

~~6 (c) The application for confidentiality under this section,~~
~~7 together with the proof of successful completion of a course of~~
~~8 instruction described in subdivision (a), shall be submitted to the~~
~~9 department within 90 days of the date the offense was committed~~
~~10 in another state of the United States or the District of Columbia.~~

~~11 (d) The department shall charge a person requesting~~
~~12 confidentiality under this section a fee in an amount determined by~~
~~13 the department to be sufficient to cover its costs in administering~~
~~14 this section.~~

